

Ordinance enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof.

No. 17.—1880.

J. R. LONGDEN.

An Ordinance to provide for the Medical Wants of immigrant labourers in certain planting districts.

WHEREAS it is expedient to make better provision than at present exists for the medical wants of immigrant labourers in certain planting districts: BE IT ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. THIS Ordinance may be cited as "*The Medical Wants Ordinance, 1880*," and shall come into operation upon and after such day, subsequent to the 30th day of June, 1881, as may be appointed by the Governor in Council by proclamation in the *Government Gazette* for the purpose.

Short title.

2. IN this Ordinance, unless the context otherwise requires,

Interpretation.

1. The expression "district" shall include an entire district appointed under this Ordinance.

2. The expression "estate" shall include every estate, in districts appointed as aforesaid, in which immigrant labourers are employed, having ten acres of land actually cultivated in coffee, tea, cocoa, cinchona, or any of those products.

3. The expression "superintendent" shall mean any person in the immediate charge of any estate.

4. The expression "labourer" shall include every labourer, whether male or female, and the children of such labourers, and every kankani.

3. THE Government shall cause provision to be made for the medical care of labourers employed on estates.

Government to undertake medical care of labourers.

4. FOR the purpose of providing a special fund to defray the cost of the medical care of labourers on estates under this Ordinance, it shall be lawful for the Governor, with the advice of the Executive Council, from time to time by proclamation in the *Gazette*, to impose a duty, and the same from time to time to increase or reduce, not exceeding twenty cents per hundredweight on coffee, tea, and cocoa, and forty cents per hundredweight on cinchona, which duty shall be levied at the Customs on the entry for exportation of all coffee, tea, cocoa, and cinchona, and shall be payable to, and shall be collected and received by the proper officers of the Customs Department; and the payment thereof shall be enforced under the provisions of the Ordinance 17 of 1869, intituled *An Ordinance for the general regulation of Customs in the Island of Ceylon*.

Special fund to be created for the purpose

5. THE duty to be collected under the authority of the last preceding clause shall be paid into the Treasury, and shall be carried to the credit of a fund to be called the "Medical Aid Fund," and shall be applied and devoted to defray the expenses incurred under this Ordinance, and to no other purpose whatever. And an account current of such fund shall be made up annually and published in the *Gazette* for general information.

To be called the Medical Aid Fund.

Estates to be
grouped into
districts.

6. THE Governor, with the advice of the Executive Council, may for the purposes of this Ordinance by proclamation in the *Gazette*, group together estates into districts, and may in the same and in the like manner from time to time amend the grouping of any district or districts, or abolish any district, or create a new district or new districts.

Medical officer
to be appointed
to each district.

7. FOR every district it shall be lawful for the Governor to appoint a medical officer who shall hold office at the pleasure of the Governor, and shall have the medical charge of the district for which he shall be appointed, and shall be under the direction of the Principal Civil Medical Officer, and shall be liable to be removed from one district to another as the Governor may from time to time deem expedient.

Governor in
Council to fix
salaries

8. THE Governor, with the advice of the Executive Council, shall appoint a salary for each district medical officer, not exceeding in any case 4,000 rupees a year, with an increase of 500 rupees a year after five years' service, and a further increase of 500 rupees a year after ten years' service, and the past services of such of the present district medical officers who may be appointed shall count towards increment of salary. The Governor, with the like advice, may assign to each medical officer such an allowance as may be necessary to cover his travelling expenses.

Medical
assistants.

9. FOR every district for which the Governor, with the advice of the Executive Council, shall deem it expedient, it shall be lawful for the Governor to appoint one or more medical assistants, who shall reside at the hospital of the district or such other place as may be appointed, and shall receive a salary on first appointment not exceeding 1,000 rupees, which may be increased to a salary not exceeding 1,500 rupees.

District
hospitals.

10. FOR every district there shall be appointed a district hospital, to which may be attached one or more dispensaries.

Government
civil hospitals
may be used.

11. THE Governor may appoint the existing Government civil hospitals to be hospitals for any district.

Existing district
hospitals may be
used.

12. THE Governor may appoint any district hospital established under the authority of the Ordinance No. 14 of 1872 as a district hospital under this Ordinance. Provided always that whenever any such hospital shall be appointed a district hospital under this Ordinance, the same shall thereupon vest in and become the property of the Crown for the purposes of this Ordinance.

Patients to be
sent to hospital
on order of
district medical
officer.

13. THE superintendent of every estate shall, upon a written requisition from the medical officer in charge of the district, send to the hospital of the district any labourer requiring hospital treatment, unless he shall refuse to go.

Patients
may be sent to
hospital by
superintendents.

14. THE superintendent of any estate may send to the hospital of the district any labourer appearing to him to require medical treatment.

Subsistence
money to be
paid by estate.

15. FOR every labourer sent to a hospital under either of the two preceding clauses, the estate from which he is sent shall be liable for the payment of the sum of thirty cents a day for every day such labourer is in hospital not exceeding thirty days. Such payment to be made to the Kachcheri to the credit of the Medical Aid Fund.

16. WHERE it shall appear to the Governor, with the advice of the Executive Council, upon the report of the Principal Civil Medical Officer, that it is necessary to construct a new hospital for any district or to enlarge any existing hospital under this Ordinance, it shall be lawful for the Governor, with the advice of the Executive Council, to authorize the Treasurer to advance such sum as may be required for such construction or enlargement and such sum shall be repaid out of the Medical Aid Fund with interest at 12 per cent., in such instalments as may be directed by the Governor, with the advice of the Executive Council.

Enlargement of district hospitals.

17. IT shall be the duty of each district medical officer to visit the hospital of his district daily, and to visit the cooly lines upon every estate in his district once at least in every six months, and upon each visit he shall call the attention of the superintendent to any defect in the sanitary condition of the lines.

Duties of district medical officer to visit hospitals and estates.

18. IT shall also be the duty, as far as may be practicable, of each district medical officer upon being required so to do by the superintendent of any estate in his district, to visit any sick labourer on such estate.

And sick labourers.

19. FOR every such last mentioned visit to an estate, the estate shall be liable for the payment into the Kicheheri of a fee of two rupees and fifty cents, which fee shall be carried to the credit of the Medical Aid Fund.

Payment for special visits.

20. THE following duties are hereby imposed on every superintendent of an estate :—

Duties imposed on superintendents.

- (a) To maintain the lines on the estate in fair sanitary condition :
- (b) To inform himself of all cases of sickness on the estate, and to take such steps as he may deem best for the immediate relief of the sick :
- (c) To send labourers to hospital as required by the 13th clause.
- (d) To send for the district medical officer in any case of serious illness or accident :
- (e) To inform the district medical officer within forty-eight hours of every birth or death upon the estate :
- (f) To keep a register of immigrant labourers employed on the estate, and of all immigrant labourers arriving or departing therefrom, and of all births and deaths upon the estate, in such form as may be prescribed by the Governor, with the advice of the Executive Council :
- (g) To supply every female labourer employed upon the estate and giving birth thereon to a child with sufficient food and lodging, for fourteen days after the birth of such child, and to take care that the female labourer be not required to work on the estate for one month, unless the district medical officer shall report sooner that she is fit to work.

Any superintendent who shall refuse or neglect to perform any of the duties hereby imposed on superintendents shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding fifty rupees.

Duties
imposed on
kankani.

21. IT shall be the duty of every kankani employed upon an estate to give information to the superintendent of every case of sickness in his gang, and any kankani who shall neglect or refuse to give such information to the superintendent shall be guilty of an offence, and liable on conviction to a fine not exceeding twenty rupees.

Governor in
Council may
make rules.

22. IT shall be lawful for the Governor, with the advice of the Executive Council, to make regulations for the following purposes, and from time to time to revoke, alter or amend such regulations :—

- (a) For the guidance of the district medical officers and medical assistants in their duties :
- (b) For the regulation and management of the district hospitals and dispensaries, and the maintenance of order and cleanliness therein, and for the issue at prime cost of medicines to superintendents for the use of labourers :
- (c) For regulating the private practice of the district medical officers, so that it shall not interfere with their duties under this Ordinance, and for settling the fees to be paid by proprietors, superintendents or assistant superintendents to the district medical officer for medical attendance :
- (d) To provide for keeping by the medical officer at each hospital or dispensary under his charge, a register of all cases treated therein, whether as in or out patients :
- (e) Prescribing and regulating returns to be made in relation to his duties by the medical officer.

The regulations so made shall be published in the *Government Gazette*, and a printed copy of the regulations made for the management of district hospitals and dispensaries, respectively, shall be hung up for public information in every district hospital or dispensary.

Recovery of
money due for
subsistence and
medical
attendance.

23. WHEN any sum of money shall be payable under the 15th or 19th clause of this Ordinance, it shall be the duty of the Government Agent to give notice in writing to the superintendent of the estate in respect of which the same is payable, requiring the payment thereof within one month after such notice, and in default of such payment it shall be lawful for the Government Agent or any person authorized by him in writing in that behalf to seize, once or oftener, all the crops, live stock and implements, or any part thereof found on the estate, liable in respect of such sum, or any other article or thing whatsoever belonging to the proprietor or any of the proprietors of such estate, until the full amount due by such estate shall be recovered. If there be no sufficient crops, live stock or implements on such estate to realize the amount due, it shall be lawful for the Government Agent or other person authorized as aforesaid to cause the timber on the said estate to be cut, or the materials of the buildings erected thereon to be removed, and to sell the same. And, unless the sum due shall be sooner paid, with the costs and charges incurred in respect of such seizure, it shall be lawful for such Government Agent or any person as aforesaid to sell the property so seized by public auction at any time after thirty days from the date of seizure ; perishable property, however, may be sold within ten days from the date of such seizure. Provided however that no seizure shall take place under this clause for any sum of money which shall have been in arrear for a period of one year.

24. ANY property so seized, as aforesaid, may be removed for safe custody, pending the sale thereof, to such place as the person directing the seizure may think fit; and in the case of the seizure of any property which cannot conveniently be removed, it shall be lawful for the person making the seizure to place and keep a person in possession thereof pending such sale. Removal of property seized or keeping same in charge.

25. THE cost and charges of seizure and sale shall also be payable from the proceeds of the property seized, and they shall be as follows: Costs of seizure and sale.

- (1) For cost of proceeding to the house or land of the party in default in order to seize property,—a charge not exceeding eight per centum on the amount due.
- (2) For removal of the goods seized, in case such removal takes place,—a charge not exceeding eight per centum on the amount due.
- (3) For keeping the same in safe custody in case of such removal,—a charge not exceeding fifty cents per day.
- (4) For keeping a person in possession, if the goods seized are not removed,—a charge not exceeding fifty cents per day.
- (5) For the expenses of sale, where any takes place,—a charge not exceeding two and a-half per centum on the net produce of the sale.

26. IT shall be lawful for the Government Agent or person authorized as aforesaid, to break open or cause to be broken open in the day time any house or building for the purpose of seizing property in pursuance of this Ordinance if he shall have affixed to a conspicuous part of such house or building, three clear days previously, a notice of his intention so to do. Buildings may be broken open.

27. IN the event of a sale of property seized, the Government Agent, at whose instance such seizure was made, shall, after deducting the amount due by the defaulter, and also the costs and charges payable under clause 25, restore the overplus arising from such sale, if any there be, to the owner of the property sold. Return of overplus.

28. WHOEVER shall wilfully obstruct any person in the performance of any duty imposed upon him or in the exercise of any authority vested in or conferred upon him under or by virtue of this Ordinance, shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding fifty rupees, or to imprisonment with or without hard labour for any term not exceeding three months. Obstructing persons acting under this Ordinance.

29. THE Ordinance No. 14 of 1872 intituled *An Ordinance to provide for the Medical Wants of the Coffee Districts* is hereby repealed from and after the commencement of this Ordinance. Repealing clause.
Provided that

1.—This repeal shall not affect—

- (a) The past operation of the said Ordinance nor anything duly done or suffered under it;
- (b) Nor any right, privilege, obligation or liability acquired, accrued or incurred under the said Ordinance;
- (c) Nor any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Ordinance; nor

- (d) Any legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid

Passed in Council this Fifteenth day of December, One thousand Eight hundred and Eighty.

J. A. SWETTENHAM,
Clerk to the Council.

Assented to by His Excellency the Governor this Fifteenth day of December, One thousand Eight hundred and Eighty.

J. DOUGLAS,
Colonial Secretary.



